



MICHAEL P. JUDGE
PUBLIC DEFENDER

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TO: ALL STAFF

FROM: MICHAEL P. JUDGE
Public Defender *MPJ*

DATE: August 4, 2003

RE: MINUTES - EXPANDED STAFF MEETING

The Expanded Staff Meeting for the Public Defender's Office was held on July 10, 2003. The following are members:

Michael P. Judge
Robert E. Kalunian
Lon Sarnoff
John Vacca
Mel Tennenbaum
Ronald Brown
Mike Concha
Ron Yorizane
Winston Peters
Bernice Hernandez
Rudy Rousseau
Bill Weiss
John Martinez
Laura Green
Kelly Emling
Lita Jacoste
Karen Thompson
Allen Adashek

Gregory Fisher
Diane Parris
Steve Hobson
Marilyn Turner
Alan Abajian
Stu Glovin
Corrine Cortinas
Joan Croker
Janet Yarbrough
Bob Hall
Bill Saul
Doug Love
Bobby Gil
John Gonzales
Gabriel Zaragoza
Darolyn Jensen
Ron White
Carole Whyte

Wendy Edmisten
Mark Lessem
Mike Demby
Marvin Isaacson
Geneva Phillips
Charlie Klum
Stan Shimotsu
John Brock
Cheryl Jones
Mark Windham
Leslie Sterns
Clyde Juloya
Paula Montez
Patricia Aguilar
Haydeh Takasugi
Dennis Yamamoto
Patricia DeLaGuerra
Robert Johnson

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The July 10, 2003 Expanded Staff Meeting was chaired by Public Defender Michael P. Judge.

The following topics were discussed:

WELCOME AND INTRODUCTIONS - Michael P. Judge

Mr. Judge introduced and welcomed Deputy Public Defender Carole Whyte and Ms. Elaine Paliologos to the Expanded Staff Meeting.

Ms. Whyte will attend the meeting in her new role as president of the Black Public Defender's Association.

Ms. Paliologos is the new Head of Data Systems. She comes to our Department from her former position as Director of Human Resources for the Rancho Los Amigos Rehabilitation Center where she also managed information technology, including a system for tracking productivity and inspection activities for more than 700 environmental health employees, 35,000 food facilities and 70,000 housing facilities, Countywide. She was also in charge of training and development for more than 1,500 employees on the Health Insurance Affordability and Accountability Act. She is a welcome addition to our management staff.

ANNOUNCEMENTS AND REMINDERS - Robert E. Kalunian

Monthly and Quarterly Stats Due -

Mr. Kalunian announced that the following monthly and quarterly reports are currently due: Monthly Caseload Stats; Monthly Unavailability Reports and the DNQ Quarterly Stats. The reports are to be provided to Mr. Kalunian ASAP.

Elimination of PD Unavailability -

As of July 14, 2003, Public Defender declared unavailability will be eliminated throughout the County. This was accomplished, in part, by the efforts of the Reassignment Committee as well as the additional staff the Department received this year.

Head Deputies were requested to advise the site judges at those locations as to the date the Department will cease unavailability declarations.

New Pitchess Reporting Form -

Head Deputies should have received an email from Harvey Sherman of PIAS regarding the new Pitchess reporting form that is to be utilized effective July 1, 2003. The form has been expanded and hopefully will simplify procedures with respect to the Alford ruling and the protective orders pursuant to Evidence Code section 1045 (d) and (e).

TRAINING - Mark Windham

Mr. Windham stated that there will be an informational meeting scheduled for Wednesday night, August 27, 2003 from 5:30 p.m. to 7:00 p.m., in Room 150 Hall of Records, Regional Planning Hearing Room, 320 West Temple Street, Los Angeles. The meeting will address childhood social/behavioral disorders and nonverbal learning disabilities in our families. Attendance is limited to personnel in the Public Defender's Office, the APD and the DA's Office. The meeting is open to all staff. An article will appear in the August 15th edition of PDQ.

GENDERS BIAS MAKE-UP SESSION - Mark Windham

A Gender Bias Training make-up session has been scheduled for those individuals who were unable to attend the original session. For Central, the sessions will be in the Library/Conference Room next Wednesday, July 16th. For the Van Nuys Branch, the sessions will be on July 31st, and on August 7, in Compton. There will also be a session in Pasadena with the date and time to be announced.

IMPACT OF *STOGNER* v. *CALIFORNIA* -Lon Sarnoff

Mr. Sarnoff discussed the impact of the recent U.S. Supreme Court ruling in the *Stogner* case which held that PC 803(g) could not be applied to revive the prosecution of a child sex abuse case which had already become barred under the statute of limitations. He disseminated listings of 83 cases (from the first set of data provided by the District Attorney) identified as PD cases in which 803(g) had been pled. The listing showed both closed and pending cases. The head deputies were urged to ensure that trial counsel on the pending cases understand the impact of *Stogner* on their pending cases. It is anticipated that many more closed cases in which 803(g) was alleged will be identified.

A system for identifying all closed PD cases affected by *Stogner* is being created. Once in place, Deputy Public Defenders who handled the cases originally will be notified and those attorneys will be expected to seek appropriate relief.

There is a dispute regarding the proper interpretation of *Stogner*. The District Attorney maintains that only cases which predate the effective date of section 803(g) (January 1, 1994) by more than six years (three years for certain offenses) are impacted by the decision. The Office's official position, however, is that any case which was filed more than six years after the date of the offense must be dismissed. A complete analysis of *Stogner* and its impact has been posted on the PDWeb, and its link can be located in What's New tab on the homepage.

D.A. ASSOCIATION ATTACK ON JUDGES - Michael P. Judge

Mr. Judge discussed several newspaper articles that appeared recently in the LA Times and the L.A. Daily Journal, wherein the Association of Deputy District Attorneys and specifically its president, Steve Ipsen, publicly accused Superior Court judges of releasing 30 accused felons who were awaiting arraignment on various felony charges.

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In his Daily Journal article of June 25, Deputy District Attorney Ipsen stated that the court engaged in capricious and punitive actions against the LA. District Attorney's Office to the potential detriment of society. In another article, District Attorney Steve Cooley reiterated his earlier statement that the judges involved had "acted unilaterally and arbitrarily-without warning and without regard to public safety."

Mr. Judge stated that the incident in question took place on May 28, 2003, following a decision by Judges Dan Oki, David Wesley and C.J. Rehm to close the arraignment court at 4:30 p.m. due to no longer having financial resources available to pay significant overtime to its clerks and bailiff staff. The prospect of the court closing before all cases were handled was discussed at a meeting held on March 20, 2003, approximately eight weeks prior to the releases by the sheriff.

At the March 20th meeting, with all parties present, Judges Oki and Wesley discussed the chronic late-filing practice. The LAPD and the District Attorneys office each promised they would do their best to initiate some changes that would speed up the process. For its part, the court warned that it could not and would not continue to pay overtime to its employees and that the prospect of the court closing before all cases were handled was a possibility.

Public Defender Michael Judge stated that the court properly acted within the provisions of existing case and statutory law. The Sheriff's Department likewise was not to blame. Had they not released the defendants, the County would have been subject to certain civil liability. In his letter, published July 14, 2003 in the LA Daily Journal, Mr. Judge commented that the judges were being subjected to a scurrilous, unfair and an unfounded attack especially by Deputy District Attorney Steve Ipsen. Further, that the events of May 28 were not the fault of the judges, but precipitated by years of practices by the District Attorney and the Police Department, which cavalierly operated in a manner convenient to them without regard for others in the system or the rights of the defendants. Only a very limited number of cases are filed by the District Attorney during the morning hours. The vast majority are not ready until well after the noon recess, frequently not until well past 4 p.m. This has resulted in the court frequently staying in session well past 6 p.m. Yet, the Deputy District Attorneys Association continues in its pursuit to punish these judges and has voted to report the incident to the Commission on Judicial Performance.

Mr. Judge stated that reporting this incident to the Commission on Judicial Performance simply provides the District Attorney Association with the opportunity to intimidate and cow the judges and create an intimidation factor for other judges who want to make an appropriate but perhaps controversial decision. Mr. Judge announced that he will be contacting the commission to voice his concerns on this issue and recommends that others do the same.

DEATH PENALTY COLLEGE - John Brock

Mr. Brock announced that the Los Angeles County Public Defender Death Penalty College will be held this year on October 17th and 18th at the Millennium Biltmore Hotel. Additional information will be made available and an announcement made in an upcoming PDQ article.

Mr. Brock distributed copies of supplements for insertion into the Death Penalty Manuals. There should be one for each branch office. Mr. Brock recommended that a paralegal or attorney at each branch be given the responsibility for insuring that the supplements are inserted into the manual.

The next Capital Case Training Meeting, entitled "Jury Selection-Looking for the Life-Qualified" will be on Thursday, July 24, 2003, from 3:00 to 4:30 p.m. in Room 150, of the Hall of Records. Head Deputies were provided a packet of material which should be read by anyone planning to attend the meeting.

The next meeting is scheduled for AUGUST 14, 2003 at 2:00 p.m. in 19th floor library in CSFCJC